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SENATE.....

.....No. 92.

REPORT

ON THE

PETITION OF GEORGE ODIORNE AND OTHERS

RELATIVE TO CERTAIN

LAWS OF SEVERAL OF THE SOUTHERN STATES.

Massachusetts - General Court. (1836) Senate.

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1874, April 28,
Request of
Hon. Chas. Sumner,
of Boston.
(H. 24, 1830.)

Commonwealth of Massachusetts.

IN SENATE, April 12, 1836.

A majority of the Special Joint Committee, to whom was committed the Petition of George Odiorne and others, have had the same under consideration, and ask leave to report, that under the present circumstances of the case, it is not expedient at this time to take any further order thereon.

CHARLES HUDSON,
J. C. BATES,
WM. HANCOCK.

Commonwealth of Massachusetts.

IN SENATE, April 12, 1836.

The undersigned, a minority of the Joint Special Committee, to whom was referred the Petition of George Odiorne and others, setting forth that in several States of the Union certain laws existed, which the petitioners consider, in their operation on the citizens of this Commonwealth, as unconstitutional, unjust and oppressive; and praying the Legislature to take such measures in relation to the subject, as would protect the citizens of this Commonwealth in the enjoyment of their constitutional rights and privileges, have given to the subject the consideration which its importance seemed to demand, and ask leave respectfully to submit the following

REPORT.

Your committee were deeply impressed with the importance of the subject committed to them. In whatever aspect it might be viewed, there were connected with it matters of thrilling interest and of deep import to the citizens of this Commonwealth. It is a question which involves the rights, liberties and lives of our citizens, as also the sovereignty of the state. It involves in it the

question whether the Commonwealth shall protect its citizens against violence which by the operation of the laws complained of they are now subjected to, such as the infliction of fines and imprisonment upon them, when no proof is exhibited or even required by said laws to shew they had been guilty of the offences alleged against them, or a possible pretence that they had violated any constitutional law of the land. The mere suspicion that they might violate what is by those states termed law, being by the officers of justice and the administrators of the laws, as well as by the express terms of the law itself, considered a sufficient reason for the infliction of the punishment before alluded to.

The committee believed it to be due to the petitioners to have an opportunity to present their case to them, and through them to the Legislature, gave notice that they would be heard by themselves or counsel. The petitioners appeared by counsel, and an investigation was had by four of your committee. It would have afforded them the highest satisfaction, to have been able to state that the evils complained of were of casual occurrence, and that in its operation it bore but lightly on our citizens; or that the laws were not rigidly enforced upon them by our sister states, whenever they came within their jurisdiction. But such is not the fact. And it is matter of surprise to us, that so gross a violation of the rights of our citizens, and one which has so long and so invariably been put in operation against them, should have been permitted to have passed without even the attention of the government, whose duty it is to protect their citizens against violations of their persons or their property. This right is claimed by the meanest citizen, and his voice ought to be heard, protection being the end and aim of

government, to defend the weak and helpless against the strong and powerful. If it be said, the laws complained of bear most hardly upon a portion of our population who are denominated negroes, be it so; does this alter the case? Are they not citizens, and in this state having the right to vote, when qualified as such? Have they not the same right which is enjoyed by all others, that of being protected by the government under which they live? The committee feel they themselves are citizens of Massachusetts, living under the freest government on earth, and they would consider it a gross imputation upon that government, should it be said that its energies were palsied when called in requisition to defend the poor and helpless, but that its nerves were strung and its action vigorous when called on to sustain the rich and powerful. Such a calumny would be treated by them as it deserves. And they trust convincing proofs will be exhibited, that the rights and liberties of citizens will not be taken from them, without the aggressors being made fully sensible that Massachusetts will protect them, whether they be rich or poor, bond or free, white or black. To remonstrate with any of her sister states against the violation of the sacred rights of her citizens, would, it is hoped, be all the remedy required to induce a discontinuance of laws and usages, so glaringly in violation of the constitutional rights of the citizens of this Commonwealth.

Your committee may be permitted to recur to the fact, that the portions of the citizens of Massachusetts, who are the greatest sufferers under the operations of the laws complained of, are the descendants of those who were brought to this country by violence; and that they have suffered cruel wrongs, which ought to induce those who have the means to do so, to protect them against further degradation. Let it be remembered, however, to the hon-

or of our ancestors, that Massachusetts broke the galling yoke of slavery so soon as she became an independent community. The same act which established the form of Government under which we live, gave to the colored population the right to be protected as citizens, the right of freedom. In fact so far as those rights are concerned our constitutions and laws, have made no difference on account of color. This being true, they are as citizens of this state entitled by the constitution of the United States to all the rights and privileges conferred by that instrument on citizens in all the states of the union, and cannot therefore, without a violation of its first principles be deprived of their lives, liberty, or property, by the laws of any state without the form of trial, or the proof of their having violated the laws of the land which are made in conformity to the principles of the constitution of the United States. The committee have caused to be transcribed and herewith present abstracts of the laws of some of the states, which clearly shew the nature and intention of those laws as operating only on our citizens, while those of the states where those laws are enforced are exempt from their operation. It will be obvious by a mere glance at the laws referred to, that in their operation upon the citizens of this state, who may be called within the limits of the several states, where those laws operate, that they are unjust, oppressive and unconstitutional, and that by these oppressive acts, seven thousand citizens of Massachusetts are deprived of their natural and inalienable right. The declaration in the constitution so dear to the heart of every son of Massachusetts, that "All men are born free and equal and have certain inalienable rights" is set at nought as unworthy notice. The rights of man are held of no account, life, liberty and all the social relations are regarded as unworthy con-

sideration in the enforcement of these statutes against citizens of this Commonwealth, on no other evidence than that of color and complexion. That these statutes of the several states are not meant to be inoperative, appeared to your committee from the evidence exhibited. A number of cases were presented to us of persons who have been imprisoned in southern ports, immediately on the arrival of the vessels to which they belonged, and kept in close confinement until their departure, thus imposing upon the masters of such vessels the necessity of employing other men, and also of paying the expenses of the imprisonment.

George Tolliver, a very intelligent colored citizen of Massachusetts, testified before the committee, that he had been imprisoned seven times on arriving as a seaman in southern ports, and that he had always been confined with more or less of his northern colored fellow citizens. At one time he stated there were twenty-five colored persons, many of them from Massachusetts, who were all put in close confinement without the least pretence that any of them had violated any of the laws of South Carolina or of those of Charleston in which city they were held in durance, except it be a crime to have a colored skin. One of the counsel for the petitioners stated, that within a few years he went in a vessel to Charleston, S. C. Immediately on the arrival of the vessel, an officer came on board to take the colored men, who might be found. One of them proved to be an Indian, the other was a black man. The Indian was permitted to remain, the black man made his escape on board an English Ship which was near by. And under the British flag a citizen of Massachusetts found protection, which the American flag could not afford him. In the year 1824, four colored seamen were taken from an English vessel at Charleston,

S. C. and imprisoned. The British Government, awake to the rights of her citizens, manifested a disposition to defend them from so gross a violation. Complaint was made at Washington. In consequence of this complaint the rights of British colored men were respected afterwards, while one of our own citizens was compelled to fly from under his own flag, to that of a foreign nation to prevent his incarceration.

Shall or can it be said, such violations of the rights of others must be permitted in order to secure the peace and quietude of the southern states? Is it not enough to secure to those states, that they may fine, imprison, or put to death any person who they can prove has violated their laws, interfered with their rights, or who shall attempt to excite a servile war or insurrection? Is it not enough, that under the constitution of the United States, all persons held to labor, by the laws of those states, are promptly delivered up by the courts of this Commonwealth, on proof of claim to such service? Is it not right, and just, and equal, that while we rigidly adhere in this state to that portion of the *compact* of Union in the constitution, those states should as rigidly observe the other portion of that compact, which secures to the citizens of Massachusetts, in every other state, the immunities and privileges enjoyed by their own citizens? Any, the least departure, from the sacred right of being proved guilty before condemnation, is a subversion of all law, good order, and personal safety. Your committee have appended to this report, the copy of a memorial of forty-two masters of American vessels to the Legislature of the United States, asking protection for seamen on board their vessels, as being a document showing that the laws complained of by the petitioners, were esteemed on the first passage of the act, an evil of great magnitude.

Memorial of sundry Masters of Vessels, lying in the Port of Charleston, S. C.

IN THE HOUSE OF REPRESENTATIVES, Feb. 19, 1823.

Referred to the Committee on the Judiciary.

To the Honorable the Senate and House of Representatives of the United States, in Congress assembled.

The petition of the undersigned, masters of American vessels, lying in the port of Charleston, South Carolina, sheweth :

That the mariners employed on board of their vessels, are such persons as the laws of the United States require—native and naturalized American seamen; that many of these are free colored persons, native citizens of the United States; that, on the 21st day of December, 1822, the legislature of South Carolina, passed an act, which not only deprives us of the services of our colored mariners, but subjects our vessels to a considerable expense and detention; and they have provided by the said act, that, if any vessel shall come into any port or harbor of this state, from any other state, or foreign port, having on board any free negroes, or persons of color, as cooks, stewards, or mariners, or any other employment on board said vessels, such free negroes and persons of color shall be liable to be seized and confined in prison, until the vessel they were attached to shall clear out, and depart

from the state ; and, when said vessel is ready to sail, the captain or master of said vessel shall be bound to carry away the said free negro, or person of color, and pay the expenses of his detention ; and, in case of his neglect or refusal so to do, he shall be liable to be indicted ; and, on conviction thereof, shall be fined in a sum of not less than *one thousand* dollars, and be imprisoned not less than two months ; and such free negroes, and persons of color, shall be deemed and taken as absolute slaves, and sold in conformity to the provisions of the act, passed on the 20th day of December, 1820.

That since the passage of the act of 1822, several vessels, under the command of many of your petitioners, have arrived in the port of Charleston, all of which had on board, as cooks, stewards, or mariners, free persons of color, native citizens of the United States ; that, upon the arrival of the said vessels in Charleston, they were visited by the sheriff of Charleston district, or his deputies, and all free persons of color, native citizens of the United States, were seized, (without a writ or any crime alleged,) and forcibly taken out of the vessel and lodged in the jail of the state ; that, thereupon, one of your petitioners, captain Jared Bunce, of the Georgia packet, a regular trader between Philadelphia and Charleston, did appeal to a court of the state of South Carolina, for a habeas corpus, to inquire into the cause of the arrest and detention of Andrew Fletcher, (steward,) and David Ayres, (cook,) both free persons of color, and native citizens of the United States ; that the said writ being allowed by the said court, and the sheriff having returned that they had been arrested and imprisoned, under the before mentioned *act* of 1822, and a motion having been made for their discharge, on the ground that

the said *act* was contrary to the *constitution of the United States*, and the court having determined, that the said act was not unconstitutional, the case in question was removed, by appeal, to the highest tribunal of the state, where, after argument, the said court being divided in opinion, the case was suspended, and the prisoners were deprived of the relief for which they moved ; and do still remain in confinement.

The undersigned petitioners have therefore been induced to submit their grievances before the general government, to relieve them from the effects of an *act* which they believe is in *violation of the constitution of the United States*, and of the authority of the federal head.

That the act in question does destroy the liberty of freemen, and regulates commerce by interfering with the freedom of navigation, and the employment of seamen, must be apparent, when it is seen that the object of it is to expel, from all vessels entering the ports of South Carolina, all free persons of color.

Your petitioners pray that the government of the United States will interpose in their behalf, and will adopt such energetic measures as will relieve them from the situation they are laboring under, by exposing their free colored mariners to an unlawful imprisonment and their vessels to an *enormous and unnecessary expense and detention*.

Charleston, S. C. 7th Feb. 1823.

Jared Bunce, William Brown, Nathan Cook, Stephen Perry and thirty-eight others.

The petitioners next brought before your committee a class of laws, operating upon all of our citizens, engag-

ed in commerce, with the south, which laws are excessively severe and oppressive, and are presented in this report. And, although, they may not be considered as precisely violating the constitution, yet the spirit of that instrument is totally disregarded, inasmuch as these laws punish the officers and crews of our vessels for a violation of them, when they had not been accessory to that violation, or had not any knowledge of such transactions: as will appear by the statutes of Virginia and North Carolina, which declare in substance, that if a slave be found on board a vessel, it is not necessary to prove that the officers and crews of such vessels, had knowledge that such slave was on board, it being sufficient that he was found there, to convict the officers and crew, and to punish them by fine and imprisonment. It appeared by testimony before your committee, that these laws were not meant as a matter of form, and only a mere dead letter. Samuel Green, a citizen of this state, testified he was in Wilmington, North Carolina, in May, 1835, when the schooner Butler, Capt. Carter, took in a cargo and moved down, bound to Fall River, Mass. A slave was missed from the plantation near which the vessel was loaded, and the owner of the slave, went on board with an officer and a thorough search was made on board without discovering the slave. The owner gave up the search, when Capt. Carter remarked, there was one more place where it was possible the slave might be, which they had not searched. Immediately search was made in the place described, and he was there found where it was thought impossible he could have squeezed himself in. The slave declared he had watched an opportunity when no one saw him, and had got into his hiding place. The captain and crew were immediately imprisoned. The most violent feelings

were exhibited towards the Capt. The Capt. was however, bailed out of jail. Immediately the owner of the slave commenced an action against him for the recovery of the fine of five hundred dollars forfeiture, as the slave was found on board of his vessel. A bond of indemnity was given before Capt. Carter was permitted to leave the state and prosecute his voyage. The mate was afterwards bailed out of jail, but the seamen were held in prison and subjected to great suffering from their situation, and the deponent supposes they yet remain in confinement awaiting trial. One of those seamen belonged to Massachusetts and the other to the state of Maine. Mr. Green contemplated going out to Wilmington this fall, for the purpose of transacting business as usual, but was advised by his friends not to do so, as there was much of ill feeling towards him, on account of his endeavoring to aid those men thus imprisoned. The fact that Capt. Carter pointed out the only place left unsearched, must afford the most conclusive evidence of his total ignorance of the secretion of the slave on board his vessel. Comment on this course of proceeding would be superfluous.

The attention of the committee was called to a special resolve of the state of Georgia, and to the advertisements in certain southern newspapers, by which some of the citizens of this Commonwealth, have been subjected to the danger of abduction or assassination. This is found to be true. The resolve which is quoted in the petition, is in the laws of Georgia, for 1831, page 255. Is it possible that in this republic, offers of large reward are made in one state, for the abduction of a citizen of another state, to tempt the cupidity and the avarice of man

to induce the lawless and abandoned to commit a crime of the deepest dye?

By whom is this tempting lure put forth? Can it be possible that it is done by a sovereign State? From the nature of the case, it would seem impossible, and if affirmed, would and ought to be disbelieved; without the most conclusive evidence of the existence of the fact. But that evidence is herewith presented in the resolve, as passed by Georgia. Let the Legislature pause and reflect deeply on a subject of so deep, so vital importance to the sovereignty of this Commonwealth, if that sovereignty is to be preserved. If any of our sister States may thus trample on the lives and rights of our citizens, by offering rewards for their abduction (more especially when there is not the shadow of proof of any violation of the laws of this State or of any other State,) to what a state of degradation and servitude are we reduced. If the intention in offering these rewards, were to provoke a rising of the dregs of society, upon the other portions of the community, there then would be more safety, as there would be a possibility of the design being made known by some of the proposed actors in so horrid a conspiracy. But when the dark, the deadly assassin or the reckless marauder upon man, is to be induced by the expectation of reward, to murder or drag for condemnation to a distant part of the Union, a citizen of this State, there is cause for alarm, there is cause for legislative action to secure the citizens of the Commonwealth. The dark and awful intention, is locked in the breast of one man, the intended perpetrator of the crime, who will guard the, to him, fatal secret if he discloses. Can there be presented, in the days of Ancient Rome, cases of more fatal tendency to the destruction of all security and good government?

What outrage upon law is complained of by Georgia, as being of so atrocious a character as to induce this departure by a high-minded State, from the course pursued wherever civil government has been established and maintained? Is it possible to conceive that the high crime charged is the printing a newspaper in the State of Massachusetts? the using the right given to all the citizens of this State (subject only to law,) a right which the constitution of this Commonwealth declares ought not to be abridged? The committee would ask, whether, when these States were colonies to Great Britain, it was not considered one of the most gross outrages, for her to offer a reward for the heads of some of our most eminent citizens, and they denominated by her to be traitors? What then must be the feelings of the citizens of this State, when a sister State, thus tramples on the sovereignty of the Commonwealth, and the rights and liberties of its citizens? It is to be hoped that no other feeling will be engendered, but that of deep regret, that a sister State should, in the impulse of the moment, have so far departed from her own dignity, and what was due to this State—and that, on the presentation of the views of this Legislature, she will annul and revoke all laws and resolves, and induce her citizens to abstain from all acts, which in their tendency, affect the rights, liberty, or property of the citizens of this Commonwealth.

The committee consider it due to themselves and to the subject which they have thus presented, to declare that they are in no wise connected with, or advocates for, the peculiar doctrines of the abolitionists; and that it cannot be considered as having any thing to do with the abolition of slavery which now agitates the United States, and is producing such intense feeling and excitement; but

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is a matter separate and distinct, and worthy the deliberate action and especial consideration of the Legislature, to whom, by petition, the appeal of our fellow-citizens is addressed for a redress of evils, alarming in their character, and oppressive in their operations.

With a view, therefore, to present to our sister States the wrongs which are inflicted upon our citizens as is set forth in this report, a minority of your committee offer the following preamble and resolves for the acceptance of the Legislature.

Commonwealth of Massachusetts.

In the Year of our Lord One Thousand Eight Hundred
and Thirty-Six.

Whereas, a number of citizens of Massachusetts have petitioned this Legislature for a redress of evils inflicted, on citizens of this state, by several of our sister states of this union, which petitioners complain that laws exist, in the states of North Carolina, South Carolina, Georgia, and Virginia, and other states, by which our free citizens are forcibly taken from the vessels on board of which they belong and thrust into prison; that the captains and crews of our ships and vessels, trading with those states, are subjected to fine and imprisonment if it should be found a slave has secreted himself on board; and that some of our citizens are taken and imprisoned as runaway slaves, and finally sold into slavery if they do not possess the means of proving themselves free. And whereas the government of Georgia, have offered *Five Thousand* dollars to any person who will bring to that state for trial and condemnation a *citizen* of Massachusetts whose offence is alleged to be printing a newspaper in the said state of Massachusetts, and not for any crime or misdemeanor committed within the limits of the state of Geor-

gia. And whereas, in our opinion, the laws of the several states before recited, and the proceedings had under these laws are a violation of the constitution of these United States, and of the rights of the citizens of this state, upon whom those laws have been enforced, and who are intended by hope of reward, to be feloniously taken and carried away from their own to a distant state, and their lives put in jeopardy for the commission of no crime committed or alledged to have been committed in the state into which it is expected they may be carried by force, nor of any crime or breach of the laws in the state, for their abduction from which the offer of reward is held out: and whereas it is our highest duty to protect our citizens from violence, illegal restraint, and from being sold into slavery.

Be it Resolved by the Senate and House of Representatives in General Court assembled and by the authority of the same, That this Legislature regarding the persons, liberties, and lives of the citizens of Massachusetts as a sacred trust, to be protected, preserved, and defended, by it in all their inalienable rights, and the immunities secured to them by the constitution of these United States, by which they of right have all the privileges of citizens in any or all of the states of the Union, while they demean themselves peaceably as good citizens, and violate no law founded on the principles of the constitution—deem it their highest duty to maintain the constitutional rights of our citizens inviolate, and secure them at every hazard and by every sacrifice, not inconsistent with our known duty, as citizens and christians, and the duties and obligations due to our sister states.

Resolved, That this Legislature distinctly denies any

right whatever in the states whose laws are presented in this report, to punish by fine and imprisonment, officers or crews of any of our vessels by reason of there being found on board said vessels any slave, without first proving beyond a reasonable doubt, that such officers or seamen were knowingly aiding and abetting in secreting and attempting to carry off such slave; such fine, imprisonment and punishment being a direct violation of the constitution of the United States, which declares that the party accused, shall be confronted by his accusers and have a fair and impartial trial.

Resolved, That this Legislature views with sorrow the resolve of Georgia, offering a reward of five thousand dollars for the delivery of one of our citizens to the authorities of that state, as well as the many advertisements in the newspapers of the South, offering rewards for citizens of this state; as acts which must interrupt the friendly relations between the several states of the Union, and as tending to destroy and break down all law, order and good government; and in place thereof to excite an infuriated mob to acts of desperation, and individual cupidity to deeds of murder, rapine and cruelty; and does hereby express its deep regret at the measures pursued by said state and by said individuals, and does earnestly recommend to them to annul and repeal said resolve, and abstain from all offers in said newspapers before alluded to, and from all such measures as may be likely to affect the lives, liberty or property of our citizens, and disturb and distract the public mind.

Resolved, That this Legislature entirely disapproves of those mobs, which, without the aid of and in violation of the laws of the land, and without judge or jury, condemn citizens of the free states, unheard and undefended, to

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stripes, imprisonment and death, as totally and entirely a violation of the constitution; and request that all magistrates and rulers will immediately cause such outrages to cease; and that they will defend our citizens from such violations for the future, as they are by the compact of the Union bound in duty to do; so that the dignity of this nation and the rights of the citizens belonging thereto, may be upheld and secured.

Resolved, That His Excellency the Governor be requested to transmit copies of this report and resolves to the Executives of each of the states of the Union, and to each of our senators and representatives in Congress.

SETH WHITMARSH,
JOSIAH CALDWELL.

LAWS OF GEORGIA for 1829—page 168. “An act to be entitled an act to amend the several laws now in force in this state, regulating quarantine,” &c. &c.

“WHEREAS, it has become highly necessary and essential to the welfare,” &c. &c.

1. “*Be it therefore enacted, &c.,* That all ships or vessels coming into any port of this state by sea, from any port or place in any other state or any foreign country, having on board any free negro or free person of color, employed as a steward, mariner, or in any other capacity, or as a passenger, *shall be subject to quarantine for the space of forty days*; nor shall it be lawful for any negro, &c.

SEC. 2. *And be it further enacted,* That if any free negro or person of color, so coming in the said ship or vessel, shall come on shore, or have any communication with any person of color residing in this state, while the said ship or vessel shall be riding quarantine as aforesaid, such negro or person of color shall be immediately apprehended, and committed to the common jail of the county where he shall be apprehended, &c. &c., there to remain until the said ship or vessel shall be actually departing from the waters of this state, or shall be hauled off from the wharf and ready to proceed to sea, or until he or she shall be otherwise discharged by law.”

See also Prince's Digest of the Laws of Georgia, page 465 and page 467.

See also laws of North Carolina for 1830, chapter 30.

LAWS OF SOUTH CAROLINA, 1823—chapter 20.

“An act the more effectually to prohibit free negroes and persons of color from entering into this state,” &c.

SEC. 1. “*Be it enacted, &c. &c.*, That from and after the passing of this act, it shall not be lawful for any free negro or person of color to migrate into this state, or be brought or introduced into its limits, under any pretext whatever, by land or by water, &c. &c.

SEC. 2. *And be it further enacted, &c.*, That it shall not be lawful for any free negro or person of color to come into this state on board of any vessel, as a cook, steward, mariner, or in any other employment on board of such vessel; and in case any vessel shall arrive in any port or harbor of this state, from any other state or foreign port, having on board any free negro or person of color, employed on board such vessel as a cook, steward, mariner, or in any other employment, it shall be the duty of the sheriff of the district in which such port or harbor is situated, immediately on the arrival of such vessel, to apprehend such free negro or person of color so arriving contrary to this act, and to confine him closely in jail until such vessel shall be hauled off from the wharf, and ready to proceed to sea; and that when said vessel is ready to sail, the captain of the said vessel shall be bound to carry away the said free negro or person of color, and to pay the expenses of his detention; and in case such captain shall refuse or neglect to pay the said expenses, and to carry away the said free negro or person of color, he shall forfeit and pay the sum of one thousand dollars, and be liable to be indicted therefor, and also to suffer imprisonment for any term or time not exceeding six months.”

See revised code of Mississippi, p. 387, § 80.

LAWS OF NORTH CAROLINA—chapter 981. “An act to authorize the county courts in this state to direct the sheriff to sell any slave that may be taken up and confined in any jail as a runaway, after certain length of imprisonment and public notice.”

1. “*Be it enacted, &c.*, That whenever any negro slave” (and every colored person is presumed to be a slave, unless he can produce evidence of his freedom) “shall be taken up in this state as a runaway, and confined in any jail for the space of twelve months, and the apprehension and confinement of said slave has been advertised in the State Gazette at least six months, and the owner or owners does not apply to prove property in said time, then it shall be lawful for the court of pleas and quarter sessions of the county in which said runaway is confined, to command their sheriff to expose said negro slave to public sale for ready money, giving three months notice in some public newspaper in this state, at the court-house door, and at two other public places in the said county, of the time and place of sale, and of the circumstances under which said slaves are to be sold.”

See also revised code of Mississippi, page 377, sec. 34.

Also, Prince's Digest of the laws of Georgia, page 467.

LAWS OF VIRGINIA, 1830—chapter 39. “An act to amend the act concerning slaves, free negroes and mulattoes.”

1. “*Be it enacted, &c.*, That all free negroes and mulattoes, who shall be convicted of remaining in this Commonwealth contrary to law, and who shall become liable to be sold according to the provisions of former laws and of this act, shall be publicly sold by the sheriff or sergeant

at the front door of the court-house of the county or corporation, on a court day, in pursuance of notice of such sale, posted at such court-house door, at the court held in the preceding month."

LAWS OF NORTH CAROLINA, 1826—chapter 21.

"An act to prevent free persons of color from migrating into this state, for the good government of such persons resident in the state," &c.

"*Be it enacted, &c.* That it shall not be lawful hereafter, for any free negro or mulatto to migrate into this state: and if he or she, shall do so contrary to the provisions of this act, and being thereof informed, shall not within twenty days thereafter, remove out of the state, he or she, being thereof convicted in manner hereinafter directed, shall be liable to a penalty of five hundred dollars: and upon failure to pay the same, within the time prescribed, in the judgment awarded against such person or persons, he or she shall be liable to be held in servitude, and at labor for a term of time not exceeding ten years, in such manner, and upon such terms as may be prescribed by the court awarding such sentence; and the proceeds arising thereupon, shall be paid over to the county trustee for county purposes," &c. &c.

LAWS OF SOUTH CAROLINA, 1820—page 22.

"An Act to restrain the emancipation of slaves, and to prevent free persons of color from entering into this state," &c.

"*Be it further enacted,* That from and after the first day of March next; it shall not be lawful for any free negro

or mulatto to migrate into this state; and every free negro or mulatto, who shall migrate into this state, contrary to this act, shall and may be apprehended and carried, by any white person, before some justice of the peace of the district or parish, where he or she shall be taken; which justice is hereby authorized and required to examine such free negro or mulatto, and to order him or her to leave this state. And every free negro or mulatto so ordered to leave the state, and thereafter remaining longer than fifteen days within the same, or having left the state, and thereafter returning to this state, (unless it be in consequence of shipwreck, or some unavoidable accident, or as a seamen on board or belonging to a vessel, with which he shall depart, or as a servant to any white person travelling into this state,) upon proof thereof made before any magistrate and three free-holders, and on conviction thereof, shall be subjected to a fine of twenty dollars; and in default of the payment thereof, shall be publicly sold after ten days notice, for a term of time not exceeding five years: and if such free negro, mulatto or mustizo, shall be found in this state, after the lapse of ten days, after paying such fine, or after such servitude under such sale, he, she or they shall be liable to be proceeded against in like manner, and shall be sold for the like sum, and for a term not exceeding five years until such slave or slaves shall depart the said state.

Be it further enacted &c. That every master of a vessel or other person, who shall bring into this state, by water or by land, in any vessel or land carriage, or otherwise, any free negro or mulatto, so brought, the penalty of *five hundred dollars*, to be recovered by action of debt, or by bill, plaint," &c. &c.

See also laws of South Carolina 1823, p. 61.

See also Revised Code of Mississippi Laws, page 377.

“Whosoever shall hereafter carry, or cause to be carried, any slave or slaves out of this Commonwealth &c.
 * * * * * without the consent of the owner or owners of such slave or slaves, or of the guardian of such owner or owners, if he, she or they be a minor or minors, and with intention to defraud or deprive such owner or owners of such slave or slaves, shall be adjudged guilty of felony, and upon conviction thereof, shall be punished by a fine not less than one hundred, nor more than five hundred dollars, and shall also be imprisoned in the jail or penitentiary house, for a period not less than two, nor more than four years, which fine and imprisonment shall be fixed and ascertained by a jury. And the person offending herein shall moreover be subjected to pay to the owner or owners of the slave or slaves, carried away as aforesaid, double the value of such slave or slaves ;” &c.

“And as doubts may arise, as to what shall be considered such a carrying away or removal, within the meaning of the last section ; *Be it further enacted*, That not only all those who shall willingly and designedly carry away slaves as aforesaid, but all masters of vessels, who, having a slave or slaves on board their said vessels, shall sail beyond the limits of any county, with such slave or slaves on board, shall be considered as carrying off or removing such slave or slaves, within the true intent and meaning thereof,” &c.

In North Carolina, for the same offence, the law provides that the person or persons so offending “shall suffer death as a felon without benefit of clergy.”

In Louisiana, the punishment for the above offence is “imprisonment at hard labor, for a term not exceeding seven years, and not less than three years.” But in this state the accused is permitted to prove, if he can, his innocence of any intention to steal the slave, &c. &c. &c.

See Martin's Digest, Vol. I. p. 678.

To the Honorable the Senate and House of Representatives, of the Commonwealth of Massachusetts, in General Court assembled.

This petition of the undersigned, citizens of Massachusetts, respectfully represents :

That there are certain laws in several of the states of this confederacy, which operate to deprive a portion of our fellow citizens of this Commonwealth of the privileges and rights guarantied to them by our federal constitution—nay more, which subject them to heavy losses, cruel treatment, and even to the deprivation of their liberty for life, in direct violation of the avowed purposes of our Union, which were “to establish justice, insure domestic tranquillity, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity”—and in utter disregard of that article of the constitution, which explicitly provides, that “the citizens of each state shall be entitled to all privileges and immunities of citizens in the several states.”

The laws of which your petitioners complain, are, *first*, those of Georgia, South Carolina, North Carolina, and others of the southern states, which provide, that whenever any colored person shall be found on board any vessel coming into any ports of those states, he shall be forthwith taken by the proper officers, and lodged in jail for safe keeping, until the departure of the vessel to which

he may belong. Under the operation of these laws, your petitioners do know, and can prove, that several worthy citizens of this Commonwealth have been seized in southern ports, and for no other reason, than the color of their skin, have been immured in prisons, and there kept for weeks or months, subject to inconvenience, loss and injury to health.

Secondly, your petitioners complain of those laws in the southern states, by which it is provided that any colored persons who may go into those states, shall be presumed to be runaway slaves, thrown into prison, and after confinement there a longer or a shorter time, (if no one appears to testify to their freedom, or if they cannot prove it in some other way) they shall be sold at public auction to pay jail fees.—Under the operation of these cruel laws, your petitioners do know, and can prove, that many worthy citizens of this Commonwealth have been imprisoned and sold into slavery. In some instances they have been redeemed from bondage—but, in other instances, they have been hurried off beyond the reach or the knowledge of their relatives and friends. There is at this moment the case of one Mary Smith—a free, colored woman, native of this Commonwealth, who, being on her return from New Orleans, whether she had been as a servant, was cast away upon the coast of North Carolina, and was immediately seized, and soon after sold into slavery, under the law of which we complain.

Thirdly, your petitioners complain of those laws of the southern states, which provide, that in case a slave be found secreted on board a vessel in any port of those states, after said vessel shall have weighed anchor to sail from said port, the captain and crew of said vessel shall be seized—and if it be proved that any of them were

privity to the secreting of the slave, they shall be *put to death!* And in case it be proved that the slave secreted himself, without the knowledge of the captain, even then the captain shall pay a fine of *five hundred dollars.*

Under the operation of these laws, your petitioners know, and can prove, that worthy citizens of this Commonwealth, have been seized, imprisoned, and fined. They would refer your honorable bodies particularly to a case not yet, we believe, decided. The schooner Butler, Capt. Carter, belonging to Fall River, Mass., was about to sail from New Inlet, North Carolina, when a slave was found secreted on board the vessel. Her officers and crew were immediately seized. Capt. Carter was admitted to bail; but the mate and seamen were put into prison, there to await their trial, which may result in their *condemnation to death.*

Furthermore, your petitioners respectfully represent—that there have been special acts of some of the southern legislatures, by which the persons and even lives of some of our fellow citizens of this Commonwealth have been subjected to the danger of abduction or assassination. We would especially present to the consideration of your honorable bodies, a law enacted by the legislature of Georgia—and not yet repealed—which is as follows :

IN SENATE, Nov. 30, 1831.

“ Resolved, by the Senate and House of Representatives of the State of Georgia, in general assembly met, That the sum of five thousand dollars be, and the same is hereby appropriated, to be paid to any person or persons, who shall arrest, bring to trial, and prosecute to conviction, under the laws of this state, the editor or pub-

lisher of a certain paper called the Liberator, published in the town of Boston, and state of Massachusetts; or who shall arrest, bring to trial, and prosecute to conviction, under the laws of this state, any other person or persons who shall utter, publish, or circulate within the limits of this state, said paper, called the Liberator, or any other paper, circular, pamphlet, letter, or address of a seditious character.

And that His Excellency, the Governor, is hereby authorized and requested to issue his warrant upon the treasurer, for said sum of five thousand dollars, in favor of any person or persons, who shall have arrested, and brought to trial, and prosecuted to conviction, under the laws of this state, the editor or publisher of the Liberator; or who shall have arrested and brought to trial, or prosecuted to conviction, under the laws of this state, any other person or persons, who shall utter, publish, or circulate, within the limits of this state, said paper, called the Liberator, or any other paper, circular, letter, or address of a seditious character.

And that these resolutions be inserted in the appropriation act.

And resolved further, That His Excellency, the Governor, cause the foregoing resolutions to be published in the public journals of this state, and *such other papers* as he may think proper, and pay for the publication thereof, out of the contingent fund.

Read and agreed to.

THOMAS STOCKS, *President.*

Attest,

I. H. HARRIS, *Secretary.*

IN HOUSE OF REPRESENTATIVES. Concurréd in, Dec.
24, 1831.

ASBURY HULL, *Speaker.*

Attest,

W. C. DAWSON, *Clerk.*

Approved, Dec. 26, 1831.

WILSON LUMPKIN, *Governor."*

In view of the facts above presented, your petitioners respectfully ask your Honorable Bodies to address the Legislatures of those states, in which such laws exist, and such outrages have been committed upon the liberties and lives of your constituents—representing to those Legislatures the effects of those laws and proceedings—and requesting them to repeal all their laws which violate the rights of the citizens of Massachusetts—and contravene the provisions of the Federal Constitution.

Your petitioners appeal to the Legislature as citizens of Massachusetts,—not as abolitionists—none of your petitioners being connected with any anti-slavery society.

All which is respectfully submitted.

GEO. ODIORNE,
BENJ. V. FRENCH,
JOSIAH LORING,
N. APPLETON,
GAMALIEL BRADFORD,
ASHUR ADAMS,
HENRY GASSETT,

OTIS HODGES,
DANIEL T. LOTHROP,
GEO. W. LIGHT,
ALFRED NORTON,
MOSES KIMBALL,
CHAS. TAYLOR.



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